

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILIP J. BERG, ESQUIRE	:	
	:	
<i>Plaintiff</i>	:	
vs.	:	CIVIL ACTION NO: 08-cv- 04083
	:	
BARACK HUSSEIN OBAMA, ET AL	:	
	:	
<i>Defendants</i>	:	

AFFIDAVIT OF BISHOP RON McRAE

I, Bishop Ron McRae am over the age of eighteen (18) and not a party to the within action. If called to do so, I could and would competently testify under oath as follows;

I am the Continental Bishop who oversees the Anabaptists Churches in North America. I am also the Presiding Elder on the African Presbytery, where we have numerous churches throughout Kenya, Uganda, Tanzania, the Democratic Republic of the Congo and mission works in several other African nations. The African Presbytery is comprised of the national bishops of the various countries we minister in and support, along with our statewide bishops from New York and Pennsylvania.

We actively visit and minister throughout these African countries, and do so extensively throughout all of Kenya these last three [3] years. In overseeing the establishment of our churches and presbytery in Kenya, over the last two [2] years we have had personal dealings, continually, with many citizens of Kenya from every tribe and economic standing throughout the wonderful nation of Kenya, with whom the national interests in United States Senator Barack Hussein Obama is a very popular topic of discussion. The tribal cultures of the Kenyanese people have involved much turmoil during the national elections at the end of December 2007 and the beginning of 2008.

The much published violence that erupted over the presidential elections caught the world's attention. Myself and several American minister with our church were present during this time in Kenya, and the facts concerning this strife and the ensuing violence were well known, and of common knowledge throughout all of Kenya.

The opposition party that was responsible for all of the violence was from the minority Luo tribe, which is a Muslim tribe that supported Mr. Raila Odinga for president. Raila Odinga is a Marxists socialist who graduated from the East Germany Magdeburg University in 1970 on a scholarship from the East German government. He named his first born son after Fidel Castro. Raila Odinga spent six years in prison for his admitted involvement in the bloody coup attempt in 1982 to over take and assassinate Daniel Arap Moi, Kenya's President. Mr. Odinga has publicly admitted to being the leader of that coup in his 2006.

Mr. Odinga is the cousin of United States Senator Barack Obama; Mr. Obama is from the same Muslim tribe, the Luo Tribe, as Mr. Odinga. Senator Obama visited Kenya in August of 2006 and campaigned extensively for his cousin, Mr. Odinga, which gave Odinga a tremendous boost. During Senator Obama's campaign stops on behalf of his cousin Odinga, the Senator made numerous claims against the democratic government of Kenya and Kenya's President Mwai Kibaki, claiming they were corrupt, stating often, that Kenya was "ready for change", just as he has campaigned here in the United States during this Presidential election. It has also been common knowledge throughout Kenya that Senator Obama sent his foreign policy advisor, Mr. Mark Lippert, to Kenya at least three times to advise Mr. Odinga on his campaign strategies. See Mark Hyman's Washington Times article published October 12, 2008, attached as **Exhibit "1"**. Moreover, everyone in Kenya is well aware that Senator Obama donated over one million

American dollars (\$1,000,000.00) to his cousin's, Mr. Odinga's campaign, which is documented in the Kenyan Political Party, for Mr. Odinga, Orange Democratic Movement [hereinafter "ODM"] along with extensive funds from other Muslim supporters including but not limited to the Muslim son of Muammar Gadhafi, the dictator of Libyan's Muslim government. These issues are common knowledge throughout Kenya, and the information is publicly documented across the internet.

It is detailed in Odinga's financial reports and strategies ODM Internal Memo documents, attached as **Exhibit "2"**, which are public records, that a significant portion of Senator Obama's financial contributions (made through an organization identified as Friends of Senator Barack Obama) were used to help finance both the signed Muslim Memorandum of Understanding as well as the planned violence, murders and bloodshed that occurred in December of 2007. Within the ODM Internal Memo attached as **Exhibit "2"**, the funds donated by Mr. Obama through "Friends of Senator Barack Obama" were to be used for "Violence as a last result...to discourage voter participation in hostile areas...use ODM agents on the ground to engineer ethnic tensions in target areas...support Kapondi's forces in Mt. Eglon", and to do so during "Mid-December". Unfortunately, the exact violence described in these reports was carried out and occurred at the beginning of the second week of December 2007.

Additionally, it is common knowledge throughout both the Christian and Muslim communities in Kenya, that contrary to news media propagandas here in the United States, US Senator Barack Hussein Obama is a Muslim and not a Christian, and that he was born in Mombassa, Kenya and not in the State of Hawaii as falsely purported by the Obama campaign for presidency of the United States. Mr. Obama's cousin ran his failed campaign for the Kenyan presidency in the identical fashion of Senator Obama's

American campaign strategy, and that being to join a nominal Christian church in order to publicly profess to be a Christian, while maintaining their actual Muslim beliefs, in order to sway public opinion away from the actual fact of his strong Muslim beliefs, family and goals. It is a known fact that membership in the United Church of Christ in Chicago, where Barack Obama was a member, does not require Muslim's to renounce their Islamic faith in order to join the UCC church. Throughout Kenya it is and was well publicized in the media that a Memorandum of Understanding agreement, attached as **Exhibit "3"**, between Raila Odinga and Sheik Abdullahi Abdi, chairman of the National Muslim Leaders Forum, was signed by Odinga on August 29, 2007 in which Raila Odinga promised if elected to implement numerous drastic changes including but not limited to the following.

- Recognize "Islam as the only true religion".
- "Islamic leaders would have an oversight role to monitor activities of ALL other religions" [emphasis in the original].
- Installation of Shariah courts in every jurisdiction to implement Islamic law.
- Implement a ban on Christian preaching.

Because of the seriousness of all the above, as a Christian and a citizen of the United States, this preacher could no longer sit idly by knowing these things and continue to minister in both Kenya and the United States. As the presiding bishop over the Continental Presbytery of Africa, I authorized representatives within our church to locate and interview Ms. Sarah Hussein Obama, the actual grandmother of US Senator Barack Obama. Ms. Sarah Obama lives in the Alego-Kogello, approximately 37 miles from Kisumu, where the Anabaptists have a congregation, and where this preacher has preached several times prior to the December elections in 2007, and prior to the planned violence from the Odinga supporters, which erupted.

With Senator Obama being born in Kenya and not in the United States, he is not a “natural born” citizen and it prohibits him from being eligible to run for and/or serve as President of the United States. Since Senator Obama’s birth was reportedly in 1961, birth records may or may not be available, so I felt it very important to obtain the testimony of his grandmother as a first hand witness, since it is commonly known throughout Kenya, and especially around the Kisumu area, that Sarah Obama was present when Barack Obama, Jr. was born in Kenya.

Accordingly, on Thursday, October 16, 2008 Reverend Kweli Shuhudia (actual name temporarily withheld to protect his life), an evangelists with our ministries throughout Africa traveled to Kogello and located Ms. Sarah Obama at her home, see the attached email, attached as **Exhibit “4”**. Mr. Shuhudia is a very intelligent and educated citizen of Africa, a former teacher and respected evangelist throughout Africa. Mr. Shuhudia acts as our official translator when we are in Africa, and is fluent in both Swahili and English. Mr. Shuhudia met and interviewed Ms. Sarah Obama at length on October 16th, during which interview; he called me on my mobile number, see my phone record attached as **Exhibit “5”**. Mr. Shuhudia called me first on October 16th at 10:33a.m. and advised that he was with Sarah Hussein Obama and that she wanted to speak with me, but the connection was lost. He called me right back at 10:35a.m. and he informed me that there were several hundred people present, celebrating Obama’s success. I questioned him about the format of the phone call and conversation with Ms. Obama, and then informed him that I would call him right back, so it would not cost him international charges for the call. I called back at 10:40a.m. and public music and voices could be heard that were gathered around Kweli Shuhudia. I then spoke with him and requested that they utilize the speaker phone so everyone could hear. The speaker phone

with its open microphone was utilized with Mr. Shuhudia, Mr. Vitalis Akech Ogombe the Kogelo Community Chairman assisting in the translation work and Ms. Sarah Hussein, along with several hundred people including policeman present and listening to the open conversation between the four of us for approximately 15 minutes. Mr. Vitqalis Ogombe is also the step grandson of Ms. Obama and the cousin of Barack Obama. A third unknown party can be heard periodically interjecting both Swahili and English words in the public discussion and conversation between the four of us. At times the room noise from other peoples' voices makes some of the swahili difficult to hear, and towards the end of the converstaion several men's voices are heard that are not identified. As I talked to and questioned Ms. Obama publicly over the open microphone of Mr. Shuhudia's speaker phone, they would translate what I said to her in Swahili publicly, and then they would translate her Swahili responses to me publicly in English. Ms. Obama can fluently speak Swahili in her native dialect, but cannot read or write. In the ensuing public conversation, I asked Ms. Obama specifically, "Were you present when your grandson Barack Obama was born in Kenya?" This was asked to her in translation twice, and both times she specifically replied, "Yes! Yes she was! She was present when Obama was born". Though, some few younger relatives, including Mr. Ogombe, have obviously been versed to counter such facts with the common purported information from the American news media that Obama was born in Hawaii, Ms. Sarah Hussein Obama was very adamant that her grandson, Senator Barack Hussein Obama, was born in Kenya, and that she was present and witnessed his birth in Kenya, not the United States. When Mr. Ogombe attempted to counter Sarah Obama's clear responses to the question, verifying the birth of Senator Obama in Kenya, I asked Mr. Ogombe, how she could be present at Barack Obama's birth if the Senator was born in Hawaii, but Ogombe would not answer

the question, instead he repeatedly tried to insert that, "No, No, No. He was born in the United States!" But during the conversation, Ms. Sarah Hussein Obama never changed her reply that she was in deed present when Senator Barack Obama was born in Kenya. A transcript of this taped public interview is attached as **Exhibit "6"**. Mr. Shuhudia took photographs during the open conversation and interview with Ms. Sarah Hussein Obama, which photos will be forthcoming.

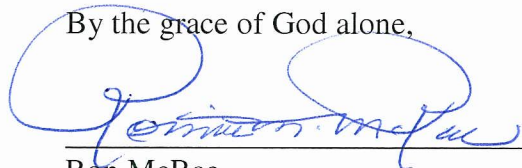
Because of the seriousness of the political situation and the impact of such on a United States Presidential election, and because of the factual reality of tremendous violence in Kenya towards Christians, especially in the immediate area of Kisumu, where both Sarah Hussein Obama and Rev. Kweli Shuhudia live, it is requested that all reasonable and legal steps be taken to secure Rev. Kweli Shuhudia's identity to the Federal Court alone, in order to protect his life and safety for being willing to provide this very important assistance in gathering this testimony and evidence to be used in any Federal litigation.

The above related facts are true and verifiable to the best of my personal knowledge before God Almighty, whose I am and whom I serve.

I declare under the penalty of perjury of the laws of the United States, that the foregoing is true and correct.

Dated: October 27, 2008

By the grace of God alone,



Ron McRae
Residing Bishop
Continental Presbytery of Africa
Anabaptists Churches of N. America
John 3:30/
Philippians 3:19-21, 29, 30

NOTARY PUBLIC ACKNOWLEDGEMENT

Commonwealth of Pennsylvania)

County of Cambria)SS:
)

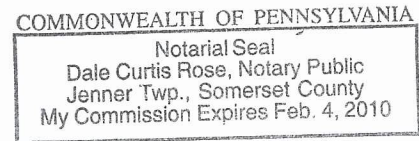
On October 27, 2008, before me Dale Curtis Rose, Notary
(Insert name and title of Notary)

personally appeared Bisphop Ron McRae, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same and that by his signature on the instrument the person executed the instrument..

I certify under PENALTY OF PERJURY under the laws of United States that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Dale Curtis Rose
Signature of Notary Public



Seal

My Commission Expires: February 4, 2010

EXHIBIT “1”

The Washington Times

<http://www.washingtontimes.com/news/2008/oct/12/obamas-kenya-ghosts>

[US News](#) | [National Security](#) | [Just the Headlines](#) | [Front Page Image](#) |

[Home](#) > [Voices](#) > **[Commentary](#)**

HYMAN: Obama's Kenya ghosts

Mark Hyman

Sunday, October 12, 2008

ASSOCIATED PRESS Kenyan Prime Minister Raila Odinga is calling President Robert Mugabe's Zimbabwe an "embarrassment" to Africa and would support the forced removal of the ruler.

COMMENTARY:

About 50 parishioners were locked into the Assemblies of God church before it was set ablaze. They were mostly women and children. Those who tried to flee were hacked to death by machete-wielding members of a mob numbering 2,000.

The 2008 New Year Day atrocity in the Kenyan village Eldoret, about 185 miles northwest of Nairobi, had all the markings of the Rwanda genocide of a decade earlier.

By mid-February 2008, more than 1,500 Kenyans were killed. Many were slain by machete-armed attackers. More than 500,000 were displaced by the religious strife. Villages lay in ruin. Many of the atrocities were perpetrated by Muslims against Christians.

The violence was led by supporters of Raila Odinga, the opposition leader who lost the Dec. 27, 2007, presidential election by more than 230,000 votes. Odinga supporters began the genocide hours after the final election results were announced Dec. 30. Mr. Odinga was a member of Parliament representing an area in western Kenya, heavily populated by the Luo tribe, and the birthplace of Barack Obama's father.

Mr. Odinga had the backing of Kenya's Muslim community heading into the election. For months he denied any ties to Muslim leaders, but fell silent when Sheik Abdullahi Abdi, chairman of the National Muslim Leaders Forum, appeared on Kenya television displaying a memorandum of understanding signed on Aug. 29, 2007, by Mr. Odinga and the Muslim leader. Mr. Odinga then denied his denials.

The details of the MOU were shocking. In return for Muslim backing, Mr. Odinga promised to impose a number of measures favored by Muslims if he were elected president. Among these were recognition of "Islam as the only true religion," Islamic leaders would have an "oversight role to monitor activities of ALL other religions [emphasis in original]," installation of Shariah courts in every jurisdiction, a ban on Christian preaching, replacement of the police commissioner who "allowed himself to be used by heathens and Zionists," adoption of a women's dress code, and bans on alcohol and pork.

This was not Mr. Odinga's first brush with notoriety. Like his father, Jaramogi Oginga Odinga, the main opposition leader in the 1960s and 1970s, Raila Odinga is a Marxist. He graduated from East Germany's Magdeburg University in 1970 on a scholarship provided by the East German government. He named his oldest son after Fidel Castro.

Raila Odinga was implicated in the bloody coup attempt in 1982 against then-President Daniel Arap Moi, a close ally of the United States. Kenya has been one of the most stable democracies in Africa since the 1960s. The ethnic cleansing earlier this year was the worst violence in Kenya since that 1982 coup attempt.

Mr. Odinga spent eight years in prison. At the time, he denied guilt but later detailed he was a coup leader in his 2006 biography. Statue of limitations precluded further prosecution when the biography appeared.

Initially, Mr. Odinga was not the favored opposition candidate to stand in the 2007 election against President Mwai Kibaki, who was seeking his second term. However, he received a tremendous boost when Sen. Barack Obama arrived in Kenya in August 2006 to campaign on his behalf. Mr. Obama denies that supporting Mr. Odinga was the intention of his trip, but his actions and local media reports tell otherwise.

Mr. Odinga and Mr. Obama were nearly inseparable throughout Mr. Obama's six-day stay. The two traveled together throughout Kenya and Mr. Obama spoke on behalf of Mr. Odinga at numerous rallies. In contrast, Mr. Obama had only criticism for Kibaki. He lashed out against the Kenyan government shortly after meeting with the president on Aug. 25. "The [Kenyan] people have to suffer over corruption perpetrated by government officials," Mr. Obama announced.

"Kenyans are now yearning for change," he declared. The intent of Mr. Obama's remarks and actions was transparent to Kenyans - he was firmly behind Mr. Odinga.

Mr. Odinga and Mr. Obama had met several times before the 2006 trip. Reports indicate Mr. Odinga visited Mr. Obama during trips to the U.S. in 2004, 2005 and 2006. Mr. Obama sent his foreign policy adviser Mark Lippert to Kenya in early 2006 to coordinate his summer visit. Mr. Obama's August trip coincided with strategizing by Orange Democratic Movement leaders to defeat Mr. Kibaki in the

upcoming elections. Mr. Odinga represented the ODM ticket in the presidential race.

Mr. Odinga and Mr. Obama's father were both from the Luo community, the second-largest tribe in Kenya, but their ties run much deeper. Mr. Odinga told a stunned BBC Radio interviewer the reason why he and Mr. Obama were staying in near daily telephone contact was because they were cousins. In a Jan. 8, 2008, interview, Mr. Odinga said Mr. Obama had called him twice the day before while campaigning in the New Hampshire primary before adding, "Barack Obama's father is my maternal uncle."

President Kibaki requested a meeting of all opposition leaders in early January in an effort to quell the violence. All agreed to attend except Mr. Odinga. A month later, Mr. Kibaki offered Mr. Odinga the role of prime minister, the de facto No. 2 in the Kenyan government, in return for an end to the attacks. Mr. Odinga was sworn in on April 17, 2008.

Mr. Obama's judgment is seriously called into question when he backs an official with troubling ties to Muslim extremists and whose supporters practice ethnic cleansing and genocide. It was Islamic extremists in Kenya who bombed the U.S. Embassy in 1998, killing more than 200 and injuring thousands. None of this has dissuaded Mr. Obama from maintaining disturbing loyalties.

Mark Hyman is an award-winning news commentator for Sinclair Broadcast Group Inc.

EXHIBIT “2”

ODM document

P.M.

January 20 2008 at 4:26 PM

INTERNAL MEMO**FROM: SHAKEEL SHABBIR** (CAMPAIGN RESOURCES ACCOUNTING SECTION)**TO: HON. O. MAGARA** (NATIONAL TREASURER)**SUBJECT: CONSOLIDATED STATEMENT OFF CAMPAIGN FINANCIAL ACTIVITIES****DATE: 9TH NOVEMBER 2007****INCOMING RESOURCES
(DONATION CONVERTED TO KSHS)**

FROM	AMOUNT
Mr C Nijonjo	25,000,000
CMC Motors Grp	20,000,000
CFC Bank	5,000,000
Landrover Group Limited (UK)	55,000,000
JIAM	25,000,000
Pastor Gilbert Deya	20,000,000
Gilbert Deya Congregation (UK)	10,500,000
Mr James Ongwae	3,500,000
Mr Bosco Gichana	12,000,000
Mr S Osamba (Dallas Tx)	6,100,000
Tata Tea	50,000,000
Tata Consultancy Service	350,000
Tata Motors	35,000,000
Dr Jane Konditi	350,000
Prof J Oduol	300,000
Mr AA Walji	7,000,000
Hon William Ole Ntimama	5,000,000
Mr Zackayo Cheruiyot	4,500,000
Mr Charles Onyancha	300,000
Brig (rtd) Alexandra Sitienei	225,000
Dick Morris Associates (pro bono services)	21,335,000
Dr S Kosgey	2,500,000
Kisumu Simba League	21,750,000
Dr P Otuoma	250,000
Mr S Murunga (Kimilili)	8,500,000
Tony Texeira	21,500,000
Mr S S Sodi	150,000
Zubedi group	20,000,000
Colourprint (posters/caps)	8,000,000
Anura Pereira	107,000,000
J Okungu	350,000
Tony Buckingham	6,000,000
Col Ted Spicer	17,000,000
Mr J kulei	39,000,000
Kamani Family	45,000,000
GOSS	12,500,000
Friends of Senator BO	66,000,000
PK Pattni	13,500,000
United Business Association	70,000,000
Westlands Association	12,800,000

Mr P Oriare	50,000	
Premier Club	5,250,000	
Gymkhana Group	5,150,000	
Ms Esther Passaris	1,000,000	
Adopt-a-light (Advertising Support)	20,000,000	
Seif-Al-Islam Gaddafi	53,450,000	
Visa Oshwal Group	10,200,000	
Nakumatt H	26,000,000	
Hon Andrej Hermin	100,000	
Linkspartei (PDS)	35,000,000	
Hon Mudavadi Family	12,500,000	
Spectre International & Associates	90,000,000	
Energem resources Inc	52,500,000	
Sandline International	10,000,000	
Hon N Balala Family	8,000,000	
Hon William Ruto	10,000,000	
Mr D Berg	1,500,000	
Hon Henry Kosgey & Friends	20,000,000	
HE O Obasanjo	25,000,000	
Mr S Mwaita	1,000,000	
SA Support Group (M Otieno)	25,000,000	
DRC Support Group	22,000,000	
Hon O Kajwang	50,000	Chq RTD
Hon J Nyagah	3,500,000	
Mr J Kaikai	500,000	
SDP	1,800,000	
CHAPS	650,000	
GCP (America)	154,000,000	
Nganga Petroleum	1,500,000	
Hon Eng Nyamunga	100,000	
GM	2,000,000	
KASS FM	400,000	
INCOMING RESOURCES		
(NOMINATION FEES)		
Parliamentary Application Fees	295,000,000	
Civic Application Fees	86,000,000	
INCOMING RESOURCES		
(VARIOUS SOURCES)		
Dinner Launches Presentations	13,000,000	
Merchandise sales	4,300,000	
TOTAL INCOMING RESOURCES	1,772,560,000	
RESOURCES EXPENDED		
Fund Raising costs	25,813,050	
Pre Nomination Rallies	165,355,300	
Nominations (Personnel, Logistics, comm.)	160,500,000	
Manifesto	76,304,100	
Presidential Nominations	54,000,120	
Equipment (Choppers, vehicles, etc)	320,208,000	
Media Facilitation (Journalists)	29,300,000	
Office Management & Overheads	98,567,450	
Advertising	335,235,575	
Merchandising	75,5625,700	
Opinion Polls	7,300,000	
Sewcurioty Operations and Personnel	22,500,000	
Candidates Expenses (RO)	148,187,000	
Pentagonm Allowances (Others)	89,000,000	
Intelligenxce	39,775,450	
General ICT	26,350,000	
Propaganda	68,545,000	
Training (Seminars & Conferences)	23,020,000	
TOTAL; RESOURCES EXPENDED	1,765,886,745	
BALANCE TO BE CARRIED FORWARD	6,673,255	

Notes

I have taken into account all the subscription/donations/expenditure notes surrendered to my section by the various arms of the 2007 ODM presidential campaign system.

Obviously, the money currently available cannot cover the campaign work still pending , and there is an urgent need for the Direcorate of Resource Mobilization to do more.

Sh 9,435,200 is owed to various media houses which are now demanding upfront payment for all our advertising

We recommend that the candidate brings forward proposed trips to DRC, Dubai/Kuwait and Venezuela to ease current pressure

Also expedite fund raising at Coast, Kisumu, UK, and Sweden.

guarded by Kenya Police. Prior to the interview with Ms. Obama, I took pictures of Ms. Obama, her grandson who was present and other family members.

During my interview of Sarah Obama; I called Bishop Ron McRae in the United States from my mobile number. I advised Bishop McRae that I was present with Ms. Obama in her home, and wished for him to speak with her. Bishop McRae informed me he would call me right back, to avoid the international costs on my personal mobile phone. Bishop McRae subsequently called me back; Bishop McRae requested permission to electronically record his telephone conversations with Ms. Obama, to which I agreed.

Due to bad telephone connections Bishop McRae had to call me back three [3] times, before we were able to continue our conversation. The telephone interview conducted by Bishop McRae was conducted on loud speaker (speaker phone). During the interview conversation, one of Ms. Obama's grandsons's and myself acted as Swahili translators, and as Bishop McRae talked to and questioned Ms. Obama, we would translate what Bishop McRae said to Ms. Obama in Swahili, and then we would translate her Swahili responses to Bishop McRae in English. Ms. Obama can fluently speak Swahili in her native dialect, but cannot read or write.

Bishop McRae asked Ms. Obama specifically, "Were you present when your grandson Barack Obama was born in Kenya?" This was asked to her in translation twice, and both times she specifically replied, "Yes". It appeared Ms. Obama's relatives and her grandson, handling the translating,, had obviously been versed to counter such facts with the purported information from the American news media that Obama was born in Hawaii. Despite this, Ms. Sarah Hussein Obama was very adamant that her grandson, Senator Barack Hussein Obama, was born in Kenya, and that she was present and


witnessed his birth in Kenya, not the United States. When Ms. Obama's grandson attempted to counter his grandmother's clear responses to the question, verifying the birth of Senator Obama in Kenya, Bishop McRae asked her grandson, how she could be present at Barack Obama's birth if the Senator was born in Hawaii, but the grandson would not answer the question, instead he repeatedly tried to insert that, "No, No, No. He was born in the United States!" But during the conversation, Ms. Sarah Hussein Obama never changed her reply that she was in deed present when Senator Barack Obama was born in Kenya. A copy of the Tape transcript is attached hereto as **EXHIBIT "A"**.

I left Kisumu City and traveled to Mombosa, Kenya. I interviewed personnel at the hospital in which Senator Obama was born in Kenya. I then had meetings with the Provincial Civil Registrar. I learned there were records of Ann Dunham giving birth to Barack Hussein Obama, III in Mombosa, Kenya on August 4, 1961. I spoke directly with an Official, the Principal Registrar, who openly confirmed the birthing records of Senator Barack H. Obama, Jr. and his mother were present, however, the file on Barack H. Obama, Jr. was classified and profiled. The Official explained Barack Hussein Obama, Jr. birth in Kenya is top secret. I was further instructed to go to the Attorney General's Office and to the Minister in Charge of Immigration if I wanted further information

The above related facts are true and verifiable to the best of my personal knowledge before God Almighty, whose I am and whom I serve.

I declare under the penalty of perjury of the laws of the United States, that the foregoing is true and correct.

Dated: October 30, 2008

By the grace of God alone,


Kweli Shuhubia
John 3:30/
Philippians 3:19-21, 29, 30

EXHIBIT “A”

Transcript of Phone Conversation
With Kweli Shuhubia & Sarah Obama

Thursday, October 16, 2008

Time: 10:40 a.m.

NOTATION: Mr. Kirori called me first on October 16th at 10:33a.m. and advised that he was with Sarah Hussein Obama and that she wanted to speak with me, but the connection was lost. He called me right back at 10:35a.m. and I answered and asked him for permission to record the conversation, which he granted me saying "yes". I then turned the recorder on and repeated the question, "Do I have permission to record you phone conversation today, including the conversation with Obama's grandmother?" Kweli Shuhubia replied, "yes". I then informed him that I would call him right back, so it would not cost him money for the call.

I called back at 10:40a.m. and spoke with him and Ms. Sarah Hussein Obama for 10 minutes.

From AT&T Monthly Statement of Calls:

110	WED 10/15/2008	8:18PM	814-629-5423	BOSWELL PA	1 RM30 DT	0.00	0.00	0.00
111	THU 10/16/2008	10:33AM	254726477700	INCOMING CL	1 RM30 DT	0.00	0.00	0.00
112	THU 10/16/2008	10:35AM	254726477700	INCOMING CL	1 RM30 DT	0.00	0.00	0.00
113	THU 10/16/2008	10:40AM	254726477700	KENYA **	15 RM30 DT	0.00	12.32	12.32
114	THU 10/16/2008	10:54AM	610-662-3005	BALACYNWY PA	2 ESM1 DT M2MC	0.00	0.00	0.00
115	THU 10/16/2008	10:56AM	610-825-3134	CONSHOHCK PA	10 RM30 DT	0.00	0.00	0.00
116	THU 10/16/2008	11:17AM	313-418-6959	DETROIT MI	1 RM30 DT	0.00	0.00	0.00
117	THU 10/16/2008	11:18AM	313-418-6959	DETROIT MI	16 RM30 DT	0.00	0.00	0.00
118	THU 10/16/2008	11:33AM	254726477700	KENYA **	2 RM30 DT	0.00	1.76	1.76
119	THU 10/16/2008	12:37PM	254726477700	KENYA **	2 RM30 DT	0.00	1.76	1.76
120	THU 10/16/2008	12:41PM	814-242-9409	VMAIL CL	1 RM30 DT VM	0.00	0.00	0.00
121	THU 10/16/2008	12:42PM	254726477700	KENYA **	10 RM30 DT	0.00	8.80	8.80

Transcript:

Two Rings:

Kweli Shuhubia: Hello? [Back ground music]

Ron McRae: Brother Tom? [music] Brother Tom? This is Brother McRae.

Kweli Shuhubia: Yes.

Ron McRae: Okay. How are you today?

Kweli Shuhubia: Now. We are okay. How are you?

Ron McRae: I'm doing very well. You said you are there with, uh, Barack Obama's grandmother?

Kweli Shuhubia: Yes. I am just in the home now. She is right here. We're, we're waiting to talk in a uh long conversation. And [unitelligible] a good family and she is ready to talk.

Ron McRae: Good. She's not there at the present?

Kweli Shuhubia: Yes. She's here right now.

Ron McRae: Okay. Is it possible to speak to her?

Kweli Shuhubia: Yes. It is possible. I ah, along with her and her family, uh, you and me.

Ron McRae: Uh, is it possible for you to put her on the speaker phone and translate for me?

Kweli Shuhubia: Yes! Yes! I will do that.

Ron McRae: Okay.

Kweli Shuhubia: Yes?

Ron McRae: Okay.

Kweli Shuhubia: Yes. Go ahead [speak to her in Swahili]

Sarah Obama: [Replies to him in Swahili]

Ron McRae: Ms. Obama?

Kweli Shuhubia: Yes go ahead.

Ron McRae: Mrs. Obama, my name is bishop Ron McRae.

Kweli Shuhubia: Ametaja bishop Ron McRae, Ron McRae. Go ahead.

Ron McRae: I am, I am the bishop of the Anabaptists Churches of North America.

Kweli Shuhubia: Yeye niaskofu Anabaptists makaisa.

Sarah Obama: Shikamooo! [Hello, good day].

Translator: Are you speaking English and , and we will tell her in Luo. Okay?

Ron McRae: Now give me that again. Explain it to me again.

Translator: It is welcome. She is very grateful for your interest.

Ron McRae: Okay. Thank you! Tell her I count it a great honor to speak to here since her son Barack Obama is running for President of the United States.

Translator: Eh makasema yuko kuu mgomba Obama kwa mwenyekiti America. Yah, she says she is very helpful for got to you to please pray for Obama. She is asking you to pray for him. For Obama.

Ron McRae: Yes Sir. Uh...Ms. Obama, you can rest assured that I am praying for your son, for your grandson.

Translator: Yes. It is helpful also towards it is beginning to help.

Ron McRae: Okay.

Sarah Obama: [unintelligible from Ms. Obama because of room noise].

Translator: She says she is covet your prayers for he [unintelligible] her son.

Ron McRae: Okay. And tell her that I will be coming there in December and I would like to come by and meet with her and pray with her.

Translator: Yes. Ye atakuwa mwezi Desemba.

Kweli Shuhubia: In December. He will come in December and he wants to come and talk with you.

Sarah Obama: [unintelligible]

Translator: Oh she says you're so encourage her. Your coming in December so you can talk together with her.

Ron McRae: Amen. I am so thankful. Could I ask her, uh, about his, uh, his actual birthplace? I would like to see his actual birthplace when I, when I come to Kenya in December. Uh, was she present when he was, was she present when he was born in Kenya?

Translator to Sarah Obama: Alikuma zalima Obama [unintelligible].

Kweli Shuhubia: He is asking her, he wants to know something was ah she present when he was born?

Translator: Yes. She says, "Yes she was! She was present when Obama was born."

Ron McRae: Okay.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILIP J. BERG,)	
)	
Plaintiff,)	
)	Civil Action No. 08-cv-4083
v.)	
)	Memorandum
BARACK HUSSEIN OBAMA, <u>et al.</u> ,)	
)	
Defendants.)	

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT
FEDERAL ELECTION COMMISSION'S MOTION TO DISMISS FOR LACK OF
SUBJECT MATTER JURISDICTION PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 12(b)(1)**

This action is before the Court on the complaint for declaratory, injunctive, and other appropriate relief filed by pro se plaintiff Philip J. Berg ("Berg") against defendants Senator Barack Obama, the Democratic National Committee, multiple John Does, and the Federal Election Commission ("FEC" or "Commission"). Berg alleges that Senator Obama, the Democratic candidate for President of the United States, is ineligible for that position because he is not a "natural born" citizen as required by Article II, Section 1 of the Constitution. Berg seeks a judicial declaration of that ineligibility and a permanent injunction barring Obama from running for that office. However, as we shall demonstrate below, this case should be dismissed for a lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) because Berg lacks standing to raise this claim. Moreover, even if Berg had standing to raise the constitutional eligibility issue, the Commission should be dismissed as a party to this case because it has no responsibility for or oversight over the Constitution's Presidential

Qualifications Clause. The Commission's jurisdiction relates instead to the administration, interpretation, and enforcement of federal campaign finance laws.

I. PLAINTIFF LACKS STANDING TO MAINTAIN THIS LITIGATION

Berg's Complaint should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction because he lacks standing and thus fails to bring a "case or controversy" under Article III of the Constitution; Whitmore v. Arkansas, 495 U.S. 149, 155 (1990); the dispute he raises is not one "appropriately resolved through the judicial process." Id. "Standing must be determined as a threshold jurisdictional matter." Kucinich v. Bush, 236 F. Supp. 2d 1, 3 n.5 (D.D.C. 2002) (citing Whitmore, 495 U.S. at 155, and Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 101-02 (1998)). The doctrine of standing identifies those disputes that are properly resolved through the judicial process. See Valley Forge Christian College v. Americans United for Separation of Church & State, Inc., 454 U.S. 464, 471-76 (1982).

Berg's complaint fails on its face to demonstrate standing to invoke this Court's jurisdiction. "The party invoking federal jurisdiction bears the burden of establishing the elements of standing, and each element must be supported in the same way as any other matter on which the [party] bears the burden of proof." FOCUS v. Allegheny County Court of Common Pleas, 75 F.3d 834, 838 (3rd Cir. 1996) (internal citations omitted). In deciding this facial challenge, "the court must only consider the allegations of the complaint and documents referenced therein and attached thereto, in the light most favorable to the plaintiff." Gould Electronics Inc. v. US, 220 F.3d 169, 176 (3rd Cir. 2000); McCann v. Newman Irrevocable Trust, 458 F.3d 281, 290 (3rd Cir. 2006). This Court's threshold inquiry into standing "in no way

depends on the merits of [Berg's] contention that particular conduct is illegal.” Warth v. Seldin, 422 U.S. 490, 500 (1975).

Three elements constitute the “irreducible constitutional minimum” of standing:

(1) an injury-in-fact, (2) a causal connection between the injury and the challenged conduct of the defendant (traceability), and (3) a likelihood that the injury will be redressed by a favorable decision of the court. Lujan v Defenders of Wildlife, 504 U.S. 555, 560 (1992) (citations omitted). The injury-in-fact required by Article III is an invasion of a legally protected interest that is “concrete and particularized” as well as “actual or imminent,” rather than “conjectural” or “hypothetical.” Id., (citations omitted). The injury cannot be merely a generalized grievance about the government that affects all citizens or derives from an interest in the proper enforcement of the law. FEC v. Akins, 524 U.S. 11, 23 (1998); Lujan, 504 U.S. at 573-74.

Any injury alleged by Berg is not particularized and thus fails to satisfy the injury-in-fact requirement for standing. “[P]articulized” “mean[s] that the injury must affect the plaintiff in a personal and individual way.” Lujan, 504 U.S. at 560 n.1. “[W]hen the asserted harm is a ‘generalized grievance’ shared in substantially equal measure by all or a large class of citizens, that harm alone normally does not warrant exercise of jurisdiction.” Warth, 422 U.S. at 499.

Berg never asserts that the putatively unconstitutional candidacy of Barack Obama results in any harm that redounds particularly to his detriment; rather, he identifies those who may suffer as:

- “Plaintiff as well as other Democratic Americans,” Compl. ¶ 6;
- “supporters of legitimate citizens,” id. ¶ 38;
- “everyone who voted in the Democratic Primary for a nominee that is a fair representation of the voters,” id. ¶ 41;
- “Plaintiff and the American Citizens,” id. ¶64; and
- “Plaintiff and the American people,” id. ¶¶ 65, 66, 67.

Berg does not claim that he has suffered any injury or harm that, if true, would not also be felt by a more generalized collection of citizens, all of whom appear to suffer in substantially equal measure. In short, Berg has done nothing more than assert a generalized grievance on behalf of the American citizenry and his fellow voters. It is well-settled that claims advanced on behalf of such all-encompassing groups do not satisfy the injury-in-fact requirement. “Several other Circuit Courts have also concluded that a voter fails to present an injury-in-fact when the alleged harm is abstract and widely shared or is only derivative of a harm experienced by a candidate.” Crist v. Commission on Presidential Debates, 262 F.3d 193, 195 (2nd Cir. 2001) (per curiam) (citing cases).

In Hollander v. McCain, No. 08-99, 2008 U.S. Dist. LEXIS 56729 (D.N.H. July 24, 2008), the plaintiff brought an action similar to the present case, challenging the eligibility of John McCain to serve as president of the United States in light of his birth in the Panama Canal Zone to American parents. The court held that any harm from McCain’s ascension to the presidency would “adversely affect only the generalized interest of all citizens in constitutional governance,” and that Hollander thus lacked standing to pursue his claim. Hollander, 2008 U.S. Dist. LEXIS 56729, at *12 (internal citations omitted). Such a claim alleges “only an abstract injury insufficient to confer standing.” Page v. Shelby, 995 F. Supp. 23, 27 (D.D.C. 1998).

With respect to Hollander’s assertion that his individual right to vote would be harmed by McCain’s election, the court reasoned that the presence of an allegedly ineligible candidate on the ballot would not impair that right because voters would still be able to vote for other candidates of their choice. Hollander, 2008 U.S. Dist. LEXIS 56729, at *12. The inclusion of a putatively ineligible candidate (in contrast with the illegal exclusion of a qualified candidate) does “not impede the voters from supporting the candidate of their choice and thus does not

cause the legally cognizable harm necessary for standing.” Id. at *14 (internal citations omitted) (citing Gottlieb v FEC, 143 F.3d 618, 622 (D.C. Cir. 1998)). Berg, like Hollander, is not himself a candidate who would have standing to challenge the inclusion of an ineligible candidate. Rather, he is a voter who has “no standing to complain about the participation of an ineligible candidate in an election, even if it results in the siphoning of votes away from [the] candidate [he] prefer[s].” Id.

Accordingly, Berg has failed to articulate any concrete or particularized injury-in-fact. His claims are coexistent with those of American voters generally and such generalized grievances do not confer standing. As the Supreme Court noted in Lujan:

Whether the courts were to act on their own, or at the invitation of Congress, in ignoring the concrete injury requirement described in our cases, they would be discarding a principle fundamental to the separate and distinct constitutional role of the Third Branch - one of the essential elements that identifies those “Cases” and “Controversies” that are the business of the courts rather than of the political branches. “The province of the court,” as Chief Justice Marshall said in Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 170 (1803) “is, solely, to decide on the rights of individuals.” Vindicating the *public* interest (including the public interest in Government observance of the Constitution and laws) is the function of Congress and the Chief Executive.

504 U.S. at 576.

Berg also fails to establish the two remaining standing requirements: causation, that the challenged conduct of the FEC bears a causal connection to Berg’s alleged injuries, and redressability, that the claimed injury will be redressed by a favorable decision of the court. Regarding causation, Berg’s Complaint makes no allegation that any action taken by the FEC injured him or, indeed, that any FEC action or omission has had any effect whatsoever on Senator Obama’s eligibility to serve as President. His only reference to the FEC in the entire Complaint appears in paragraph 13 where he correctly identifies the FEC as having been created

in 1975 “to administer and enforce the Federal Election Campaign Act (FECA).”¹ But Berg does not even allege that Commission’s administration of that statute has had any impact on himself, Senator Obama, or the Senator’s candidacy.

Finally, Berg cannot meet the redressability requirement because there is no remedy involving the Commission that this Court could grant Berg to provide the relief he seeks. Even if his lawsuit had merit, Berg does not allege or explain how this Court’s remedy would in any way involve the Commission or the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§ 431-55 (“Act” or “FECA”). Because any conceivable relief would be directed against parties other than the Commission, Berg’s alleged injury could not be redressed by relief against the Commission.

In short, Berg fails to establish standing because he cannot demonstrate an injury in fact caused by the FEC that could be redressed by this Court. Because Berg fails to bring an Article III case or controversy, this case should be dismissed for lack of subject matter jurisdiction.

II. BECAUSE THE COMMISSION HAS NO JURISDICTION TO ENFORCE WHETHER CANDIDATES MEET THE CONSTITUTIONAL CRITERIA FOR PRESIDENTIAL ELIGIBILITY, IT SHOULD BE DISMISSED FROM THIS CASE

The Commission is the independent agency of the United States government vested with exclusive jurisdiction to administer, interpret and enforce civilly the FECA. See 2 U.S.C. §§ 437c(b)(1), 437d(a), 437d(e) and 437g. The Commission also exercises jurisdiction over the Presidential Election Campaign Fund Act, 26 U.S.C. §§ 9001 et seq., and the Presidential

¹ Consistent with Berg’s failure to allege any FEC-initiated injury or harm, Berg does not request any remedy involving the Commission. See Compl. ¶¶ 46–71.

Primary Matching Payment Account Act, 26 U.S.C. §§ 9031 et seq.² These statutes only confer on the Commission jurisdiction over issues concerning the financing of federal campaigns: regulating the organization of campaign committees; the raising, spending, and disclosing of campaign funds; and the receipt and use of public funding for qualifying candidates.

None of these statutes delegates to the FEC authority to determine the constitutional eligibility of federal candidates, and Berg does not allege otherwise. Although the Commission determines whether certain presidential candidates are eligible for public funding, it has no power to determine who qualifies for ballot access or who is eligible to serve as president. Thus, because the Commission has no authority to take action against Senator Obama as suggested by Berg, the Commission should be dismissed from this case with prejudice.

CONCLUSION

The Federal Election Commission respectfully requests that the Court dismiss the Complaint in this case pursuant to Federal Rule 12(b)(1) for lack of subject matter jurisdiction with prejudice or dismiss the Commission as a defendant from this case with prejudice.

Respectfully submitted,

/s/ Thomasenia P. Duncan
Thomasenia P. Duncan
General Counsel

/s/ David Kolker
David Kolker
Associate General Counsel

²

Senator Obama has not sought public financing for his campaign.

/s/ Kevin Deeley

Kevin Deeley
Assistant General Counsel

/s/ Benjamin A. Streeter III

Benjamin A. Streeter III
Attorney

FOR THE PLAINTIFF
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463
(202) 694-1650

October 21, 2008

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Daniel Scott Thomas, Elector for the State of California, who is
nominated to vote in the Electoral College and is pledged to vote
for Candidate Alan Keyes for President of the United States; Carl
Bibeau, Teresa Bibeau, Ronald M. Hack, Stefany M. Hack, Jason
Paulos, Gregory Poulos, Karen Poulos, Keith Poulos, Patricia
Donahue, Michelle Tennison, Dr. Alan Keyes, Electors of the State
of Florida, all of whom are nominated to vote in the Electoral
College and are pledged to vote for Candidate Alan Keyes for
President of the United States; Gerald L. Coffee, Elector for the
State of Hawaii, who is nominated to vote in the Electoral College
and is pledged to vote for Candidate John McCain for President of
the United States; Geketa Holman, Elector for the Commonwealth
of Kentucky, who is nominated to vote in the Electoral College and
is pledged to vote for Candidate Alan Keyes for President of the
United States; Joseph Mantegna, Arthur H. Hady, Brian Paul
Weese, John H. Bane, Tim Phares, Bob Bailey and Steven B.
Schulin, Electors of the State of Maryland, all of whom are
nominated to vote in the Electoral College and are pledged to vote
for Candidate Alan Keyes for President of the United States;
Patrick Flynn, Elector for the State of Michigan, who is nominated
to vote in the Electoral College and is pledged to vote for
Candidate Alan Keyes for President of the United States; Tim
Delrie, Leslie Riley and Vince Thornton, Electors of the State of
Mississippi, all of whom are nominated to vote in the Electoral
College and are pledged to vote for Candidate Chuck Baldwin for
President of the United States; Craig Boner, Christiane Schmenk
and Joyce Houck, Electors of the State of Ohio, all of whom are
nominated to vote in the Electoral College and are pledged to vote
for Candidate Chuck Baldwin for President of the United States;
Virginia Chrisco, Elector for the State of Oklahoma, who is
nominated to vote in the Electoral College and is pledged to vote
for Candidate John McCain for President of the United States;
Marvin Sprouse, Jr., Elector for the State of Texas, who is
nominated to vote in the Electoral College and is pledged to vote
for Candidate Alan Keyes for President of the United States; John
Doe(s) and Jane Does(s), Electors of the various states nominated
to vote in the Electoral College for Candidates for President and
Vice-President of the United States, John Doe(s) and Jane Doe(s),
Congressmen and Congresswomen in the United States House of
Representatives,

PLAINTIFF(s),

v.

Delbert Hoseman, in his official capacity as Secretary
of State for the State of Mississippi,

DEFENDANT(s).

**AFFIDAVIT OF
JORGE L. BARO'**

Civil Action No. _____

AFFIDAVIT OF JORGE L. BARO'

STATE OF FLORIDA)

) ss.

County of Palm Beach)

COMES NOW **Jorge L. Baro'**, being first duly sworn, under oath, and states that the following information is within his personal knowledge and belief:

I, **Jorge L. Baro**, am an in-house Senior Investigator for Elite Legal Services, LLC, located in Royal Palm Beach, Florida. I have served the private sector for 23 years and have served my country as a member of the United States Navy.

Elite Legal Services, LLC was contracted to determine whether or not Stanley Ann Dunham gave birth to Barack Hussein Obama, Jr. in Honolulu, Hawaii on or about August 4, 1961. Beginning my investigation on the web, I downloaded a copy of the "Certification of Live Birth" located on Barack Obama's official web site, as well as the "high resolution" photographs taken by the Annenberg Center's Fact Check organization's Joe Miller and Jess Henig located at www.factcheck.org. The site alleges that Miller and Henig visited Obama headquarters and took the "high resolution" pictures and inspected the document.

I was first struck with the fact that the Annenberg Foundation funds factcheck.org, which is widely used by the press to corroborate statements made by candidates for elected office. After each Presidential debate of 2008, I clearly recall a reporter for MSNBC's Chris Matthews referring to factcheck.org as to the truthfulness of the candidates' answers. The Annenberg Foundation is at the center of the ongoing Obama-Bill Ayers controversy - hardly an unbiased source for information in my view.

On October 31st, 2008, officials in Hawaii released a statement that they had examined the birth certificate, but failed to declare whether it was a Live Birth Certificate generated by a hospital with signatures of the attending physician or a "Late Birth" Certificate of Hawaiian Birth that could have been obtained who is one year old or older after birth by a simple affirmation of a family member. Only the "Long Form" original certificate will answer all questions about the date and location of birth and confirm that it occurred in Hawaii.

The controversy surrounding the birth certificate began with a posting of a copy on the internet on June 12, 2008 and a series of investigative articles by the Israel insider in the summer of July 2008:

Israel Insider has followed the story in five previous articles (the previous one [here](#)) and uncovered evidence, most recently, of admitted forgery among Daily Kos bloggers, tolerance of electronic forgeries on the blog site, as well as efforts by a blog administrator to conceal the admission of forgery.
<http://web.israelinsider.com/Articles/Politics/12993.htm> 7/22/2008

Upon further examination of the documents examined by Miller and Henig, I immediately noted that the Certification of Live Birth they photographed had creases consistent with a document that has been folded for mailing and or storing. The original appearing on the official Obama web site does not depict the same creases. While easily explained, I am suspicious that the document was photographed at Obama headquarters. The pictures taken by Miller and Henig suggest that the document was produced on June 6th, 2007. Since Hawaii law provides that only the individual, a relative or a court can obtain a copy of this document, we can then assume that either Senator Obama visited the Department of Health in Honolulu personally, or the document had to have been mailed to him. I ask myself how the document that Miller and Henig examined well after it was scanned and posted on Senator Obama's web site has the aforementioned creases and the original on Senator Obama's web site does not.

Additionally, upon closer examination, the following photograph taken by Miller and Henig would appear to be lacking the so called "bleed through" of the date which is plainly visible on the Obama's web site scanned document despite the fact that the angle from which the photograph was taken should clearly show the "bleed through" of the date presumably stamped on the rear of the document.



I have read the conflicting statements of Senator Obama's sister, Dr. Maya Soetero-Ng, in the two published stories identifying two separate birthplaces where Senator Obama was born, Queens Medical Center and Kapiolani Medical Center. I hired local investigators to determine whether Senator Obama was born at either. Investigators visited both medical facilities and were told that no records confirming same would be released due to hospital policy.

The following image is a widely circulated clip on the internet, among other sources, of "The Sunday Advertiser" presumably published August 13th, 1961 in Honolulu, showing Senator Obama was born to Mr. and Mrs. Barack H. Obama of 6085 Kalaniana'ole Highway. Investigators were dispatched to the newspapers offices. They could not confirm who actually placed the ad in the paper.

91-939 Kalapu St., Ewa Beach, Ewa,	—
daughter, Aug. 5.	Al
Mr. and Mrs. Barack H. Obama,	Sc
6085 Kalaniana'ole Hwy., son, Aug. 4.	Sl
Mr. and Mrs. Norman Asing, 2135	—
Ani Aniku St., son, Aug. 4.	Fr
Mr. and Mrs. Andrew A. M.	t

I dispatched investigators to determine who owned the residence listed above in 1961, along with neighboring residences, in the hopes that we could locate someone that would corroborate the arrival of a newly born African-American male born to a Caucasian family.

Investigators contacted Beatrice Arakaki, who lived at 6075 Kalaniana'ole Highway in Honolulu, Hawaii. Ms. Arakaki's residence is next door to the alleged residence of Stanley Ann Dunham and Barack H. Obama Sr. at 6085 Kalaniana'ole Highway at the time the Senator was born in 1961. Ms. Arakaki said she has lived at her current residence on Kalaniana'ole since before 1961 to the present day. Ms. Arakaki said she had knowledge of the family living in Waikiki and not on Kalaniana'ole Highway.

The owner of the residence located at 6085 Kalaniana'ole Hwy, the alleged address of Senator Obama's parents when he was born, was Orland S. and Thelma S. (Young) Lefforge, both of whom are deceased.

Department of Health

Investigators learned that of particular note, according to the official Hawaiian government web site, anyone born in Hawaii who is 1 year old or older and whose birth has not been previously registered in Hawaii could apply for the issuance of a LATE BIRTH CERTIFICATE called a CERTIFICATE OF HAWAIIAN BIRTH. The “Certificate of Hawaiian Birth Program” was established in 1911 during the territorial era and was terminated in 1972 during the statehood era.

Investigators learned that any individual having given birth other than in a medical facility that would normally produce what is commonly known as the “long form” or “vault copy” containing critical information such as time of birth, signatures of attending physician, etc., could simply visit the Department of Health and request a Late Birth Certificate also known as a “Hawaiian Birth Certificate”. This program was instituted to accommodate children born in rural areas of Hawaii.

Sample of a 1963 “Long Form”

STATE OF HAWAII		CERTIFICATE OF LIVE BIRTH		DEPARTMENT OF HEALTH	
1a. Child's First Name (Type or print)		1b. Middle Name		1c. Last Name	
ALAN					
2. Sex	3. This Birth	4. If Twin or Triplet, Was Child Born	5a. Birth Date	5b. Month	5c. Day
Male	Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/>	1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>		September	1963
6a. Place of Birth: City, Town or Rural Location			6b. Island		
Honolulu			Oahu		
6c. Name of Hospital or Institution (If not in hospital or institution, give street address)			6d. Is Place of Birth Inside City or Town Limits?		
U. S. Army Tripler General Hospital			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
7a. Usual Residence of Mother: City, Town or Rural Location		7b. Island		7c. County and State or Foreign Country	
Wahiawa		Oahu		Honolulu, Hawaii	
7d. Street Address		7e. Is Residence Inside City or Town Limits?		7f. Is Residence on a Farm or Plantation?	
Drive		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
7f. Mother's Mailing Address		8. Full Name of Father		9. Race of Father	
				Caucasian	
10. Age of Father	11. Birthplace (Island, State or Foreign Country)	12a. Usual Occupation	12b. Kind of Business or Industry		
24		Officer	U. S. Army		
13. Full Maiden Name of Mother		14. Race of Mother		15. Age of Mother	
		Caucasian		22	
16. Birthplace (Island, State or Foreign Country)		17a. Type of Occupation Outside Home During Pregnancy		17b. Date Last Worked	
		School Teacher		10 Apr 63	
18a. Signature of Parent or Other Informant		18b. Date of Signature		19. Date of Signature	
		Parent <input checked="" type="checkbox"/> Other <input type="checkbox"/>		6 Sept 63	
19a. Signature of Attendant		M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> Midwife <input type="checkbox"/> Other <input type="checkbox"/>		6 Sept 63	
20. Date Accepted by Local Reg.		21. Signature of Local Registrar		22. Date Accepted by Reg. General	
6 Sept 63		CAPT, MC, USA		SEP 10 1963	
23. Evidence for Delayed Filing or Alteration					

This raised the question in my mind as to whether the “Certification of Live Birth” which is the only document that has been produced and as previously stated solely handled by representatives of factcheck.org outside Obama’s campaign is a certification of a live birth or a late birth.

I learned that on August 21st, 2008, Attorney Philip J Berg, former Deputy Attorney General of Pennsylvania; former candidate for Governor and U.S. Senate in Democratic Primaries; former Chair of the Democratic Party in Montgomery County and former member of Democratic State Committee filed a complaint in the United States District

Court for the Eastern District of Pennsylvania against Senator Obama questioning his birthplace.

Since then, there have been several attempts to obtain a copy of the “long form” and a number of lawsuits filed to that end. I am left with the conclusion that a simple request from Senator Barack Obama to produce the “long form” (redacted if necessary) would end any speculation or question as to his birthplace. His continual denial to do so is suspect in my professional opinion.

According to author Michael Patrick Leahy, in his memoirs, Obama claims to have seen a copy of his birth certificate in the 1970s, but he has been either unwilling or unable to produce a copy of that document. Obama spoke of how he found a 1962 newspaper article about his father:

Obama stated:

“I discovered this article, folded away among my birth certificate and old vaccination forms, when I was in high school.”

When asked to produce his birth certificate in 2008, he was unable to discover this birth certificate and offer it as proof. Instead, he posted a digital image that purports to be Senator Obama’s “Certification of Live Birth” which was first posted on the Obama Campaign’s Fight the Smears website in June of 2008. A valid copy of “Certification of Live Birth” document issued by the State of Hawaii looks very much like this digital image.

The internet is replete with theories and timelines that would call into question whether Stanley Ann Dunham could have been in Honolulu in August of 1961. Among them, there is a videotape interview with Barack Obama’s paternal grandmother, apparently indicating that he was born there and that she held him shortly after birth. I have personally viewed this video on the popular video web site youtube.com, but cannot attest to the translation of the Luo dialect on the video.

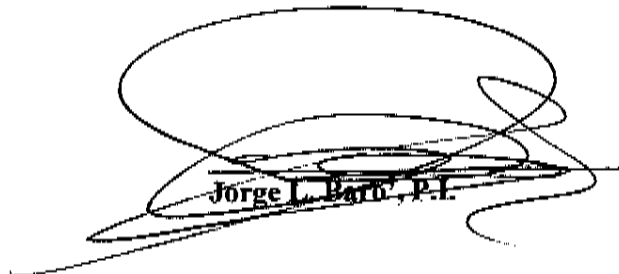
Added to the question of the validity of Senator Obama’s birth certificate is the issue of his dual citizenship in Kenya and Indonesia because of his father’s nationality. Even if he were born Hawaii, the dual citizenship could impact his status as a U.S. citizen. He was alleged to have traveled during his college years on an Indonesian passport to Pakistan because no U.S. Citizens were permitted to travel there. His dual citizenship in both nations has been admitted by the Obama campaign, and that alone is contrary to the undivided loyalty that is a part of being “natural born.” Naturalized citizens cannot be President for this reason.

My inquiry about this serious question was limited to a review of the press accounts about the unauthorized access into State Department files of Senator Obama and Senator McCain. The attached article reports that someone who was a consultant to the Obama campaign was responsible for the security breach. I never heard a denial, and I have no

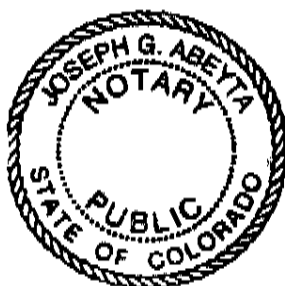
independent knowledge of its accuracy. But the importance of the information is clear, and if true, the person having this access could know much more about this serious question than American voters, the electors, and the Congress will ever know. Only a Court order to allow officials to access this information will resolve these questions.

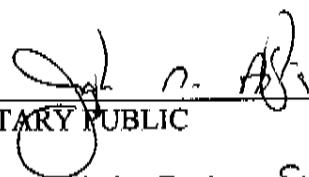
In conclusion, while all of these facts can be explained, it is my opinion that there is more than enough evidence to question a Candidate's eligibility to occupy the most powerful office in the world. It is also my conclusion that in the absence of a Federal Court Order asking for this information under seal, it cannot be obtained and will not be available for the voters on November 4, 2008, for the Electoral College vote on December 15, 2008 or the Congress when it receives that electoral vote on January 9, 2009. It is inconceivable to me that requiring documentation that most citizens must produce to get a drivers license should not be required to prove whether the next leader of the free world is qualified under the Constitution to hold the office. .

Further affiant sayeth not.


Jorge L. Baro, P.I.

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said state and county, this 4 day of November, 2008.




NOTARY PUBLIC
My Commission Expires: 9-25-09

JOSEPH G. ABEYTA
NOTARY PUBLIC
State of Colorado